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4 JONA SIMON,
5 Plaintiff,
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7 v.
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10 CITY OF BERKELEY, BERKELEY
11 MENTAL HEALTH MOBIL CRISIS
12 TEAM, et al.,
13
14 Defendants.

Case No. [20-cv-02173-WHO](#)

**ORDER TO SHOW CAUSE FOR
FAILURE TO PROSECUTE**

Re: Dkt. Nos. 27, 30

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20 On August 21, 2020, defendant Sutter Bay Hospitals d/b/a Alta Bates Summit Medical
Center (“ABSMC”) moved to dismiss pro se plaintiff Jona Simon’s complaint on grounds that it is
barred by the statute of limitations and fails to state a claim upon which relief can be granted. Dkt.
No. 27. On August 28, 2020, defendant Alameda Health System (sued as John George Psychiatric
Hospital) (“AHS”) moved to dismiss the complaint for failure to state a claim upon which relief
can be granted. Dkt. No. 30. Simon’s opposition to the motions was due on September 4, 2020
and September 11, 2020 respectively. He has failed to timely oppose both motions.

21 Simon is hereby ORDERED TO SHOW CAUSE by October 16, 2020 why his case
22 against ABSMC and AHS should not be dismissed for failure to prosecute.¹ He can satisfy this
23 Order To Show Cause by filing his oppositions to the pending motions to dismiss by **October 16,**
24 **2020.**² I note that due to the COVID-19 pandemic, motion hearings are conducted telephonically

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26 ¹ Simon has also sued the City of Berkeley, Berkeley Mental Health Mobil Crisis Team. The
summons was returned as unexecuted as to this defendant. Dkt. No. 29.

27 ² Effective May 1, 2020, and until further notice, pro se litigants with existing cases before this
court may register to become electronic case filing (“ECF”) users and may file documents
electronically without first obtaining a judge’s permission. Accordingly, Simon does not need my

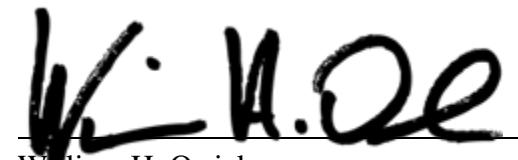
1 or by videoconference. Prosecuting this case will not require in-person attendance at this time.

2 If Simon opposes, ABSMC and AHS may file a reply on or before October 23, 2020, and
3 the hearing is reset to **November 4, 2020 at 2:00 p.m.**

4 **IT IS SO ORDERED.**

5 Dated: September 28, 2020

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William H. Orrick
United States District Judge

United States District Court
Northern District of California

27 permission to participate in electronic case filing. If he wishes to e-file, he can register to become
28 an ECF user by following the instructions at <https://www.cand.uscourts.gov/cases-e-filing/cmc-ecf/setting-up-my-account/e-filing-self-registration-instructions-for-pro-se-litigants/>.